THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9499 OF 2006

DATED: 26-12-2006

Between:

Veeravaram Primary Agricultural Co-operative Credit Society Limited, Veeravaram, Kirlampudi Mandal, East Godavari District represented by its Chief Executive Officer K.V. Ramana

.. Petitioner

and

The Deputy Registrar of Co-operative Societies, Peddapuram, East Godavari District and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

Writ Petition No.9499 of 2006

Order:

This writ petition is filed seeking a certiorari to call for the records pertaining to the order dated 29-09-2005 in O.A.No.203 of 2004 on the file of the A.P. Co-operative Tribunal at Visakhapatnam wherein the orders of the 1st respondent were confirmed, and quash the same as arbitrary and illegal.

It appears, the 2nd respondent has obtained loan from the petitioner-society and when he fell in arrears, the society has called upon him to deposit the entire amount. However, when a claim petition was filed by the 2nd respondent before the Deputy Registrar of Co-operative Societies, Peddapuram, the same was examined under Section 62 of the A.P. Co-operative Societies Act, 1964 and orders were passed stating that in view of the adjustment of 75% of the balance amount during the extended period of One Time Settlement scheme between 01-07-2003 to 31-12-2003, the 2nd respondent is eligible for O.T.S. as per G.O.Ms.No.70 Agriculture and Co-operative (Coop.VI) Department dated 22-02-2002 and the petitioner-society was directed to re-calculate the loan amount under O.T.S. scheme and refund the loan amount, if found excess.

Aggrieved by the same, the petitioner-society has filed an appeal in O.A.No.203 of 2004 before the A.P. Co-operative Tribunal at Visakhapatnam. The appellate authority, in the impugned order,

observed that the cut-off date for payment of the remaining 75% amount was extended upto 31-12-2003, as per circular dated 25-09-2003 of the General Manager, District Co-operative Central Bank Limited, Kakinada, for the benefit of the borrowers. As the instructions for the extension of the scheme were not communicated/ received by the time of adjustment of the insurance proceeds to the loan account of the 2nd respondent, the petitioner-society has not extended the benefit of interest rebate scheme. It was further observed that after receipt of the circular instructions about the extension of O.T.S. scheme, the society should have considered the request of the 2nd respondent and thus came to the conclusion that the 1st respondent was justified in passing the impugned order and confirmed the orders passed in the claim petition.

In view of the above, I am of the opinion that when there is extension of the scheme, the order passed by the appellate authority confirming the orders passed by the authority does not call for any interference of this Court. Therefore, the petition is liable to be dismissed.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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C.V. RAMULU, J

26th December 2006.

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